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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/196,574	11/20/1998	KIRAN CHALLAPALI	PHA-23.540	9299

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

LEE, RICHARD J

ART UNIT PAPER NUMBER

2613

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/196,574

Applicant(s)

CHALLAPALI ET AL.

Examiner

Richard Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For examples:

(1) claim 1, line 21, before "first", "a" should be changed to "the" in order to provide proper antecedent basis for the same as specified at lines 10-11;

(2) claim 1, line 21, before "second", "a" should be changed to "the" in order to provide proper antecedent basis for the same as specified at lines 12-13;

(3) claim 4, line 16, before "first", "a" should be changed to "the" in order to provide proper antecedent basis for the same as specified at line 6;

(4) claim 4, line 16, before "second", "a" should be changed to "the" in order to provide proper antecedent basis for the same as specified at line 7;

(5) claim 7, line 16, before "first", "a" should be changed to "the" in order to provide proper antecedent basis for the same as specified at line 6;

(6) claim 7, line 16, before "second", "a" should be changed to "the" in order to provide proper antecedent basis for the same as specified at line 7;

(7) claim 8, line 15, before "first", "a" should be changed to "the" in order to provide proper antecedent basis for the same as specified at line 5;

(8) claim 8, line 15, before "second", "a" should be changed to "the" in order to provide proper antecedent basis for the same as specified at lines 6-7;

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(9) claim 11, line 8, after "second lower quantization", "level" should be properly inserted in order to provide proper antecedent basis for the same as specified at lines 10 and 17-18;

(10) claim 11, line 17, before "first", "a" should be changed to "the" in order to provide proper antecedent basis for the same as specified at line 7;

(11) claim 11, line 17, before "second", "a" should be changed to "the" in order to provide proper antecedent basis for the same as specified at line 8 (see above item (9));

(12) claim 14, line 6, "low" should be changed to "lower" in order to provide proper antecedent basis for the same as specified at lines 9 and 14-15;

(13) claim 14, line 14, before "first", "a" should be changed to "the" in order to provide proper antecedent basis for the same as specified at line 6;

(14) claim 14, line 14, before "second", "a" should be changed to "the" in order to provide proper antecedent basis for the same as specified at lines 6-7 (see above item (12));

(15) claim 15, line 11, before "first", "a" should be changed to "the" in order to provide proper antecedent basis for the same as specified at lines 7-8; and

(16) claim 15, line 11, before "second", "a" should be changed to "the" in order to provide proper antecedent basis for the same as specified at lines 8-9.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stenger of record (DE 3608489A1) in view of Katata et al of record (5,815,601).

Stenger discloses a method of improving image segmentation of a video telephone scene as shown in Figures 3 and 4, and substantially the same apparatus for processing a stereo pair of images, comprising substantially the same a memory which stores process steps (i.e., as provided to carry out functions within Figure 4), and a processor which executes the process steps stored in the memory so as to calculate the difference in location of like pixels in each image (see page 4, lines 4-10 of translated article), if the difference in location is above a set threshold the pixel information is identified as foreground pixel information, if below the set threshold the pixel information is determined to be background pixel information (see page 4, lines 4-10 of translated article).

Stenger does not particularly disclose, though, a processor which executes the process steps stored in the memory so as to determine whether each 8 x 8 DCT block contains a particular amount of foreground information, and to encode those 8 x 8 DCT blocks having at least the particular amount of foreground pixel information at a first higher level of quantization and those 8 x 8 DCT blocks having less than the particular amount of foreground information at a second lower level of quantization as claimed in claim 16. However, Katata et al discloses an image encoder as shown in Figure 1 and teaches the conventional use of a DCT block classifier (i.e., within 106 of Figure 1, and see column 5, lines 1-4) coupled to a foreground extractor (i.e., 101, 102 of Figure 1 and see column 4, line 45 to column 5, line 4) for determining which DCT blocks of at least one of the images contain a threshold amount of foreground information; an encoder (i.e., within 106 of Figure 1, and see column 5, lines 1-4) coupled to the DCT block

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classifier which encodes the DCT blocks having the threshold amount of foreground information with a first higher level of quantization and which encodes the DCT blocks having less than the threshold amount of foreground information as background information (i.e., background information is being provided by the threshold 15 of Figure 4 of Stenger et al) at a second lower quantization level (see column 1, lines 12-25, columns 7-8) relative to the first high level of quantization (i.e., different quantization step sizes pertaining to a selected area of interest are assigned, with high and low quantization level selections, see column 7, line 49 to column 8, line 24, column 9, line 38 to column 10, line 13), the encoder encodes the foreground 8 x 8 DCT blocks of coefficients at a first high level of quantization and which encodes background 8 x 8 DCT blocks of coefficients at a second lower level of quantization (see column 1, lines 12-25, columns 7-8). Therefore, it would have been obvious to one of ordinary skill in the art, having the Stenger and Katata et al references in front of him/her and the general knowledge of stereo image processings within video phone environments, would have had no difficulty in providing a DCT block classifier and an encoder for providing different quantization level processings for foreground and background image data, as taught by Katata et al for the stereo image videophone system within Stenger for the same well known image compressions purposes as claimed.

4. Claims 1-15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

5. The applicants' arguments from the amendment filed July 15, 2004 have been noted and considered, but are deemed moot in view of the above new grounds of rejections.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any response to this final action should be mailed to:

Box AF  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

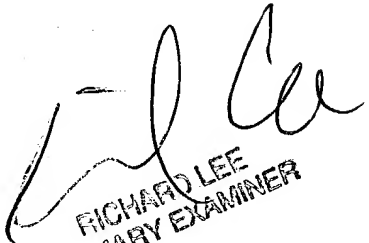
(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE") (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.

  
RICHARD LEE  
PRIMARY EXAMINER

Richard Lee/rl

11/23/04

